

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

RANDY BROWN

Plaintiff

vs.

Case #

CITY OF BALTIMORE, a municipal
corporation of the State of Maryland
100 North Holliday Street
Room 250
Baltimore, Maryland 21202
Defendant

FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____
MAR 9 2021
AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ DEPUTY

CIVIL COMPLAINT

Legal Basis of the Complaint

The City of Baltimore engaged in a pattern of discrimination against Plaintiff based upon disability, violating the following federal statutory protections:

Title ii of the Americans with Disabilities Act, 42 U.S.C. 12131 - 12134 (title ii) prohibits the the City of Baltimore, a public entity, from refusing to provide a reasonable modification when a modification of policy or procedure is necessary to avoid discrimination.

Title ii prohibits eligibility criteria that screen individuals with disabilities as ineligible for services or programs offered by a public entity.

Section 504 of the Rehabilitation Act of 1973 prohibits recipients of federal financial assistance from discriminating on the basis of disability.

Parties

- a. Plaintiff is a person with a disability as defined under title ii and section 504.
- b. Defendant City of Baltimore is a public entity and its transferees are regulated by title ii and section 504.

Factual Allegations

1. Plaintiff resides in the Ednor Gardens Neighborhood of Baltimore City and suffers from a cognitive disability, the adverse effects of which require daily exercise.
2. Plaintiff is a gardener and approached the Baltimore City Government in 2018, requesting to use a lot at the corner of 901 East 36th Street as a community garden or green space.

3. At the time of Plaintiff's request, residents of Ednor Gardens had planted trees and annually grew wildflowers on the lot for more than two decades.
4. 901 East 36th Street affords the additional benefit being connected to the community playing field owned by the Waverly YMCA, a physical accessibility that incorporates the social and therapeutic benefits of gardening with other important outdoor activities in Ednor Gardens.
5. Being socially engaged is challenging as a result of Plaintiff's mental disability, and gardening with other residents of Ednor Gardens at 901 East 36th Street, the locus community life is essential for persons with disabilities.
6. Plaintiff contacted the City of Baltimore in 2018 concerning the procedure for acquiring 901 East 36th Street as a green space, but the City of Baltimore misinformed Plaintiff, by falsely denying that the City of Baltimore owned the lot.
7. The City of Baltimore stated that the YMCA owned the lot and that it was too late to acquire the lot as a green space.
8. In 2018, Plaintiff memorialized the misinformation that the City of Baltimore provided by emailing concerned Ednor Garden residents and others, stating that 901 East 36th Street was not owned by the City of Baltimore.
9. By misinforming Plaintiff about the availability of 901 East 36th Street, the City of Baltimore engaged in conduct that exacerbated the effects of Plaintiff's disability, thereby denying Plaintiff an equal opportunity to participate in a program or service offered by the City of Baltimore, implementing a method of administration that disadvantaged Plaintiff on the basis of disability.
10. In contrast to misleading Plaintiff, the City of Baltimore afforded the Gedco Corporation preferential consideration in acquiring 901 East 36th Street, illustrating a pattern of less favorable treatment prohibited under *title ii* and *section 504*.
11. Further illustrating the pattern of discrimination by the City of Baltimore, Gedco currently has other lots provided by the City of Baltimore that would allow for the modification of Gedco's plans for expansion, by excluding lot 901 East 36th Street as part its plan of privatization without causing hardship.
12. In February of 2021, Plaintiff discovered that the City of Baltimore owned 901 East 36th Street and requested a modification of policy to require Gedco to halt its plans to build housing at 901 East 36th Street to allow consideration of an alternative building site.

Jurisdiction

13. The United States District Court for the District of Maryland has subject matter jurisdiction over this matter pursuant to 28 U.S.C. 1331, which provides district courts with jurisdiction over civil actions under the United States Constitution or laws of the United States.

14. This court has personal jurisdiction over defendant City of Baltimore and any affiliated assignee or transferee as defined under section 504.

15. Venue is proper pursuant to 28 U.S.C. 1391(b) because the events giving rise to the allegations in this complaint occurred in the District of Maryland.

Counts

Count I: Discrimination under section 504

16. Plaintiff incorporates by reference all facts in all previously alleged paragraphs.

17. Defendant is a public entity as defined under section 504 and is therefore forbidden from engaging in any discriminatory conduct on the basis of disability.

18. Section 504 prohibits defendant from providing misinformation to any person with cognitive disability in an attempt to prevent persons with a cognitive disabilities from having equal access to services and activities offered by the government of the City of Baltimore.

19. By providing misinformation, defendant exacerbated the effects of Plaintiff's cognitive disability, thus effectively denying Plaintiff an equal opportunity to request and receive services offered by the City of Baltimore.

Count II: Discrimination under title ii

20. Plaintiff incorporates by reference all preceding paragraphs.

21. Defendant City of Baltimore is a public entity as defined under title ii.

22. Title ii prohibits the Defendant from refusing to modify policies to provide Plaintiff an equal opportunity to receive services or to participate in activities that Defendant sponsors.

23. Defendant thwarted Plaintiff's efforts to request to use the lot at 901 East 36th as a green space, subsequently refusing to accommodate Plaintiff by refusing to modify

defendant's policies or practices to allow Plaintiff an equal opportunity to be heard with respect to Plaintiff's request to use 901 East 36th Street as a green space or community garden.

24. Title ii prohibits Defendant's unequal treatment of Plaintiff as demonstrated by Defendant's refusal to provide a reasonable modification of policy to mitigate the harm caused by the preferential treatment afforded to Gedco.

25. Defendant's refusal to provide a reasonable modification to allow Plaintiff an equal opportunity to be heard in requesting to use 901 East 36th Street as a green space violates title ii.

26. Title ii prohibits Defendant's use of unfair methods and criteria in policies or practices of governing to discriminate on the basis of disability.

Request for Relief

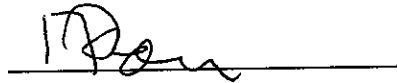
1. Plaintiff requests injunctive relief to prevent either the City of Baltimore or Gedco from taking any further discriminatory actions intended to deny Plaintiff's request to use the lot at 901 East 36th Street as a community garden or a green space.
2. Plaintiff requests that the City of Baltimore be ordered to revoke Gedco's right to build on the lot at 901 East 36th Street, giving Plaintiff an equal right to be heard.
3. Plaintiff requests that the City of Baltimore revoke Gedco's right to destroy the established trees planted by residents of Ednor Gardens at the lot at 901 East 36th Street.
4. Plaintiff requests that the City of Baltimore as a public entity compel Gedco or other transferees to refrain from engaging in any action that violates Plaintiff's equal right to be heard with respect to the use of the lot at 901 East 36th Street as a community garden.

Date: March 8, 2021

Certification

In compliance with Federal Rule of Civil Procedure 11, I certify that the information

in this complaint is accurate and supported by evidence.

A handwritten signature in black ink, appearing to read 'Randy Brown', is written over a horizontal line.

Randy Brown, Plaintiff, pro se

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